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Bruce G. Chapman (State Bar No. 164258)
bchapman@cblh.com
Keith D. Fraser (State Bar No. 216279)
kfraser@cblh.com
CONNOLLY BOVE LODGE & HUTZ LLP
333 S. Grand Avenue, Suite 2300
Los Angeles, CA 90071
Telephone: (213) 787-2500; Facsimile: (213) 687-0498

Dianne B. Elderkin (admitted *pro hac vice*)
delderkin@akingump.com
Barbara L. Mullin (admitted *pro hac vice*)
bmullin@akingump.com
Steven D. Maslowski (admitted *pro hac vice*)
smaslowski@akingump.com
Angela Verrecchio (admitted *pro hac vice*)
averrecchio@akingump.com
Matthew A. Pearson (admitted *pro hac vice*)
mpearson@akingump.com
Rubén H. Muñoz (admitted *pro hac vice*)
rmunoz@akingump.com

AKIN GUMP STRAUSS HAUER & FELD LLP
Two Commerce Square, Suite 4100
2001 Market Street
Philadelphia, Pennsylvania 19103-7013
Telephone: (215) 965-1200; Facsimile: (215) 965-1210

Attorneys for Plaintiff and Counter-Defendant CENTOCOR ORTHO BIOTECH, INC. and Third-Party Defendants GLOBAL PHARMACEUTICAL SUPPLY GROUP, LLC, CENTOCOR BIOLOGICS, LLC and JOM PHARMACEUTICAL SERVICES, INC.

IN THE UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

CENTOCOR ORTHO BIOTECH,
INC.,

Plaintiff,

v.

GENENTECH, INC. and CITY OF
HOPE,

Defendants.

Case No. CV 08-03573 MRP (JEMx)

**CENTOCOR ORTHO BIOTECH,
INC. AND ITS COUNTER-
DEFENDANT AFFILIATES'
APPLICATION TO FILE UNDER
SEAL:**

**1. MEMORANDUM IN SUPPORT
OF MOTION FOR SUMMARY
JUDGMENT OF NO**

1 AND RELATED COUNTER AND
2 THIRD-PARTY ACTIONS.

**INFRINGEMENT OF CLAIM 33
(MOTION NO. 3)**

**2. STATEMENT OF UNDISPUTED
FACTS IN SUPPORT OF MOTION
FOR SUMMARY JUDGMENT OF
NO INFRINGEMENT OF CLAIM 33
(MOTION NO. 3)**

Date: August 17, 2010
Time: TBA
Place: Hon. Mariana Pfaezler,
Courtroom 12

8 Pursuant to Local Rule 79-5.1, Plaintiff Centocor Ortho Biotech, Inc.
9 (“Centocor”) and its Cross-Defendant Affiliates seek leave to file the following
10 documents under seal:

- 11 1. Memorandum in Support of Centocor Ortho BioTech, Inc. and its Cross
12 Defendant Affiliates’ Motion for Summary Judgment of No
13 Infringement of Claim 33 (Motion No. 3) (“Memorandum”); and
- 14 2. Statement of Undisputed Facts and Conclusions of Law in Support of
15 Centocor Ortho BioTech, Inc. and its Cross Defendant Affiliates’
16 Motion for Summary Judgment of No Infringement of Claim 33
17 (Motion No. 3) (“Statement of Undisputed Facts”).

18 The documents to be filed under seal contain or reflect confidential business
19 information that is subject to confidentiality provisions. Specifically, the
20 Memorandum cites to and discusses various supporting exhibits, including Exhibits
21 19, 23, 27 and 28, which contain confidential details regarding Genentech’s
22 pharmaceutical research and development. These exhibits, cited and referenced in the
23 Memorandum, have been designated as Confidential pursuant to the terms of the
24 Protective Order. Similarly, the Statement of Undisputed Facts cites to and references
25 these same Confidential Exhibits.

26 Also, balancing the potential harm to Centocor, Genentech and third parties if
27 the sensitive business information is released into the public with the relatively low
28 public harm for nondisclosure of this information favors prohibiting disclosure.

1 For the foregoing reasons, Centocor respectfully requests that the Court grant
2 this Application and order the aforementioned documents be filed under seal.
3

4 Dated: July 12, 2010

Respectfully submitted,

5 CONNOLLY BOYE LODGE & HUTZ LLP

6 By: Keith D. Fraser

Keith D. Fraser

7 Attorneys for Plaintiff CENTOCOR ORTHO
8 BIOTECH, INC. and Third-Party Defendants
9 GLOBAL PHARMACUETICAL SUPPLY GROUP,
10 LLC, CENTOCOR BIOLOGICS, LLC and JOM
11 PHARMACEUTICAL SERVICES, INC. LLC and
12 JOM PHARMACUETICAL SERVICES, INC.
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